

REMARKS

I. Introduction

Claims 1 to 7 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 1 to 7 Under 35 U.S.C. § 112

Claims 1 to 7 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully submit that claims 1 to 7 fully satisfy the written description requirement of 35 U.S.C. § 112 for at least the following reasons.

As an initial matter, the Office bears the initial burden of presenting “evidence or reasons why persons skilled in the art would not recognize in an applicant’s disclosure a description of the invention defined by the claims.” (See M.P.E.P. § 2163.04 (citing In re Wertheim 541 F.2d 257, 262, 265, 191 U.S.P.Q. 90, 96, 98 (C.C.P.A. 1976))) (emphasis added). The Manual of Patent Examining Procedure also provides that if an examiner rejects a claim based on the lack of a written description, the examiner should “identify the claim limitation not described” and provide “reasons why persons skilled in the art would not recognize the description of this limitation in the disclosure of the application.” (See id.). However, the written description requirement is not an in haec verba requirement. That is, “the specification ‘need not describe the claimed subject matter in exactly the same terms as used in the claims; it must simply indicate to persons skilled in the art that as of the [filing] date the applicant had invented what is now claimed.’” All Dental Prodx LLC v. Advantage Dental Products Inc., 64 U.S.P.Q.2d 1945, 1948 (Fed. Cir. 2002) (quoting Eiselstein v. Frank, 52 F.3d 1035, 1038, 34 U.S.P.Q.2d 1467, 1470 (Fed. Cir. 1995)). Moreover, a “failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” All Dental Prodx, 64 U.S.P.Q.2d at 1948 (citing Eiselstein, 52 F.3d at 1039, 34 U.S.P.Q.2d at 1470). An applicant can show “possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.” M.P.E.P. § 2163 (citing Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 U.S.P.Q.2d 1961, 1966 (Fed. Cir. 1997)).

The Office Action alleges that the features of *free ends of contact lamellae configured to come to rest against a spring element in direct proximity to a contact point*, as recited in claim 1, and *contact lamellae configured to interact with a knife blade so as to contact a spring element in direct proximity to at least one contact point*, as recited in claim 5, constitute new matter. Specifically, the Office Action states that “the original Fig. 1 does not show free ends 7’ are adjacent a retention spring entrance port for a knife blade 14.” (Office Action, p. 5). Applicants respectfully disagree. Original Figure 1 does show contact lamellae 7 inserted into retention spring 3 such that free ends 7’ are adjacent a retention spring entrance port for a knife blade 14.

First, the Specification states that “Figure 1 shows a perspective view of the electrical connector according to the present invention, including an inner contact part and an external retention spring[, and] Figure 2 shows a perspective view of a portion of the inner contact part according to Figure 1, but, in contrast to Figure 1, without the external retention spring.” (Specification, p. 3, line 29, to p. 4, line 1). Thus, the Specification makes clear that the inner contact part including contact lamellae 7 and free ends 7’ shown in original Figure 2 is also shown within external retention spring 3 in original Figure 1. As a result, since original Figure 1 shows contact lamellae 7 and free ends 7’ within external retention spring 3, original Figure 1 clearly shows the free ends 7’ of the contact lamellae 7 are adjacent a retention spring entrance port for a knife blade 14. Further, although the free ends 7’ of the contact lamellae 7 are not explicitly labeled in original Figures 1 and 2, it is respectfully submitted that persons skilled in the art would recognize the ends of the contact lamellae 7 pointing away from the center segment 5 to be the free ends 7’ of the contact lamellae 7.

In addition, the Specification states that upon insertion of a knife blade, “the contact lamellae must, in the event of further expansion of the contact lamellae clearance, give way in the direction of the entrance port for the knife blade prior to running up against the limiting elements of the entrance port of the external retention spring 3.” (Specification, p. 5, lines 5 to 8). Thus, the Specification makes clear that the contact lamellae 7 give way in the direction of the retention spring entrance port, which is in a direction away from the center segment 5. Since the free ends 7’ of the contact lamellae 7 are pointing away from the center segment 5, the free ends 7’ of the contact lamellae 7 necessarily are adjacent a retention spring entrance port for a knife blade 14.

The Office Action also states that “the original Fig. 2 does not show the contact region 9, including contact point 10, is in direct proximity to the free ends 7’ of the contact lamellae 7.” (Office Action, p. 5). As more fully set forth above, original Figures 1 and 2

both clearly show the free ends 7' of the contact lamellae 7. Again, although the free ends 7' of the contact lamellae 7 are not explicitly labeled in original Figures 1 and 2, it is respectfully submitted that persons skilled in the art would recognize the ends of the contact lamellae 7 pointing away from the center segment 5 to be the free ends 7' of the contact lamellae 7. Therefore, the contact point 10 of contact region 9 is shown in both Figures 1 and 2 to be in direct proximity to the free ends 7' of the contact lamellae 7.

Therefore, Applicants respectfully submit that the features of *free ends of the contact lamellae configured to come to rest against the spring element in direct proximity to the contact point*, as recited in claim 1, and *the contact lamellae are configured to interact with the knife blade so as to contact the spring element in direct proximity to the at least one contact point*, as recited in claim 5, do not constitute new matter.

The Office Action also alleges that the features of *the knife blade maintaining contact with the contact segment and contact point*, as recited in claim 1, and *the knife blade, which maintains contact with the contact segment and contact point*, as recited in claim 5, constitute new matter. Specifically, the Office Action states that “it is unclear how the knife blade could maintain contact with both the contact segment and the contact point. It appears that the blade could only maintain contact with the contact point only.” (Office Action, p. 2). Applicants respectfully disagree. The Specification makes clear that the knife blade maintains contact with the contact segment and contact point.

First, the Specification states that the contact segment 6 includes contact lamellae 7, which includes a contact region 9, which further includes a contact point 10. (Specification, p. 4, lines 13 to 21; and Abstract, lines 8 to 10). Thus, the Specification makes clear that the contact point 10 is one portion included within the contact segment 6. As a result, it is clearly possible for the knife blade to maintain contact with both the contact segment and contact point.

In addition, the Specification states that an object of the present invention is to increase the contact reliability by ensuring optimal normal contact force of each contact lamella. (Specification, p. 3, lines 2 to 5; and p. 5, lines 18 to 20). Thus, the Specification makes clear that contact reliability can be achieved by ensuring optimal normal contact force at each contact point of each contact lamella. It follows that optimal normal contact force at each contact point can only be achieved by maintaining contact between the knife blade and the contact segment and contact point, even on further insertion of the knife blade. Therefore, the Specification makes clear that the knife blade maintains contact with the contact segment and contact point.

Therefore, Applicants respectfully submit that the features of *the knife blade maintaining contact with the contact segment and contact point*, as recited in claim 1, and *the knife blade, which maintains contact with the contact segment and contact point*, as recited in claim 5, do not constitute new matter.

In view of the foregoing, it is respectfully submitted that claims 1 to 7 fully comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 1 to 7 Under 35 U.S.C. § 103(a)

Claims 1 to 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 4,168,878 (“Risser et al.”) and U.S. Patent No. 5,135,417 (“Stanevich”). Applicants respectfully submit that the combination of Risser et al. and Stanevich does not render unpatentable the present claims for the following reasons.

Claim 1 recites the features of “*the contact lamellae are configured to spring off freely at a beginning of an insertion of a knife blade into the contact segment, and, after further insertion of the knife blade, only free ends of the contact lamellae configured to come to rest against the spring element in direct proximity to the contact point with the knife blade maintaining contact with the contact segment and contact point.*” Further, claim 5 recites the features of “*the contact lamellae are configured to interact with the knife blade, which maintains contact with the contact segment and contact point, so as to contact the spring element in direct proximity to the at least one contact point.*” As more fully set forth above, no new matter has been added. Support for these amendments can be found in the Specification, for example, at p. 4, lines 17 to 21, and p. 4, line 32 to p. 5, line 9.

In contrast, Risser et al. purportedly relate to pin and socket type electrical terminals. The Office Action admits that Risser does not disclose “after further insertion of the blade, the free ends configured to rest against the spring element and the contact lamellae configured to deform.” (Office Action, p. 3). Stanevich purportedly relates to a dual usage electrical/electronic pin terminal system. For the reasons detailed below, Applicants respectfully submit that the combination of Risser et al. and Stanevich does not disclose, or even suggest, all of the claimed features of claims 1 and 5.

The plug connector of the present application has an inner contact part 2 and a retention spring 3, which at least partially encloses the inner contact part 2. A knife blade 14 inserted into the plug connector contacts the inner contact part 2 at contact point 10 forcing the lamellae 7 apart such that the free ends 7’ of the lamellae 7, which are in direct proximity

to the contact point 10, contact the inner surface of the retention spring 3 and remain in direct proximity to the contact point 10. The proximity of the contact point 10 and the point where the free ends 7' of the lamellae 7 contact the inner surface of the retention spring 3 assures that the contact between the lamellae 7 and the retention spring 3 adequately transmits a bracing effect to the lamellae 7 at contact point 10. In contrast, the point on the Stanevich device adjacent reference number 20 (where the springs 17, 18 contact retention spring 14) is on an opposite end of the springs 17, 18 and is spaced away from contact point 24 of springs 17, 18. Therefore, the contact between the Stanevich retention spring 14 and springs 17, 18 does not provide the same level of bracing support at the contact point between element 11 and the springs 17, 18 (adjacent reference number 24), as achieved by the electrical connector embodiment configuration of claims 1 and 5.

The Office Action alleges that the free ends of the contact lamellae in Figure 7 of Stanevich are configured to rest against the spring element in direct proximity to the contact point. Claims 1 and 5 make clear that the contact point referred to in these claims refers to the point in which knife blade is in contact with when the free ends of the contact lamellae contact the retention spring. The lamellae of Stanevich contact the knife blade at two points. During initial insertion, the knife blade first contacts the lamellae at point 22 but the lamellae have not expanded sufficiently to contact the retention spring 14. Therefore, point 22 does not qualify as the contact point recited in claims 1 and 5. Upon further insertion of the knife blade, contact is made at point 24 and then lost with point 22. It is the contact at point 24 which maintains the free ends 20 of the lamellae in contact with the retention spring 14. However, point 24 is at the opposite end of the contact lamellae and, therefore, is not in direct proximity to where the spring element 3 and contact lamellae rest against each other (adjacent point 22).

Therefore, for the foregoing reasons, Applicants respectfully submit that the combination of Risser et al. and Stanevich does not disclose, or even suggest, the features of “the contact lamellae are configured to spring off freely at a beginning of an insertion of a knife blade into the contact segment, and, after further insertion of the knife blade, *only free ends of the contact lamellae configured to come to rest against the spring element in direct proximity to the contact point with the knife blade maintaining contact with the contact segment and contact point,*” as required by claim 1, and “*the contact lamellae are configured to interact with the knife blade, which maintains contact with the contact segment and contact point, so as to contact the spring element in direct proximity to the at least one contact point,*” as required by claim 5.

Claims 2 to 4 ultimately depend from claim 1 and therefore include all of the features of claim 1. Claims 6 and 7 depend from claim 5 and therefore include all of the features of claim 5. As more fully set forth above, it is respectfully submitted that the combination of Risser et al. and Stanevich does not disclose, or even suggest, all of the features of claim 1, from which claims 2 to 4 depend, and claim 5, from which claims 6 and 7 depend. Therefore, it is respectfully submitted that the combination of Risser et al. and Stanevich does not render unpatentable these dependent claims for at least the same reasons provided above in support of the patentability of claims 1 and 5, respectively.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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